

New York District Office



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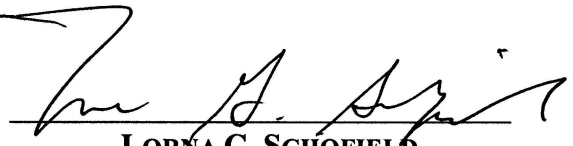
March 22, 2024

Application GRANTED. Applicant shall
 file proof of service by **March 29, 2024**.

Honorable Lorna G. Schofield
 U.S. District Court, Southern District of New York
 Thurgood Marshall United States Courthouse
 40 Foley Square
 New York, NY 10007

Dated: **March 25, 2024**
New York, New York

Re: *EEOC v. AAM Holding Corp., et al.*
 No. 24 MC 00103


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

I write to request a seven-day extension of the U.S. Equal Employment Opportunity Commission's March 22, 2024, deadline to file proof of service of EEOC's Petition to Enforce Administrative Subpoenas *Duces Tecum*, supporting documents, and the Court's March 12, 2024, Order in the above-listed proceeding, until March 29, 2024. *See* ECF No. 6 (Order). On March 14, 2024, EEOC retained a process server to serve the required documents on Respondents AAM Holding Corp. and 59 Murray Street Enterprises, Inc., d/b/a FlashDancers Gentlemen's Club. However, as of this writing, the process server has not completed service on Respondents.

EEOC filed its Petition to Enforce Administrative Subpoenas and supporting documents on ECF on Friday, March 8, 2024. On Monday, March 11, 2024, I emailed Respondents' counsel in the underlying investigation to inform them that EEOC had filed a petition to enforce Subpoena Nos. NY-A24-003 and NY-AY-24-004. My email attached the ECF-stamped documents that appear as ECF Nos. 1 through 5. A copy of my March 11, 2024, email is attached hereto as Exhibit A. In addition to attaching EEOC's papers, my March 11, 2024, email requested that Respondents waive service of process and attached the Court's AO 398 and AO 399 forms. Respondents did not respond. After the Court issued its Order on March 12, 2024, I again emailed Respondents' counsel on March 13, 2024, requesting that Respondents' counsel inform EEOC if they would accept electronic service to avoid the unnecessary expense of serving papers pursuant to Fed. R. Civ. P. 4(d). A copy of my March 13, 2024, email and counsel's response is attached hereto as Exhibit B. My March 13, 2024, email forwarded the ECF docket entry containing the Court's text order linking to the March 12, 2024, Order. *See* Exhibit B at 2-3. Later that same day, Respondents' counsel informed me that they were not authorized to accept service on behalf of Respondents. EEOC retained a process server to effect service on March 14, 2024.

In addition to my communications on March 11, 2024, and March 13, 2024, Respondents' counsel has been on notice of EEOC's anticipated petition to enforce the administrative subpoenas since February 27, 2024. After Respondents missed their deadline to

March 22, 2024

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respond to Administrative Subpoena Nos. NY-A24-003 and NY-AY-24-004, on February 27, 2024, I spoke with Respondents' counsel regarding Respondents' compliance with the subpoenas. During that call, Respondents' counsel informed me that Respondents would not comply with the subpoenas absent a court order. *See* ECF No. 5-1 (Chomski Decl. Ex. 1) (email correspondence with Respondents' counsel). On March 6, 2024, I informed Respondents' counsel by email that EEOC was preparing to file its petition to enforce the administrative subpoenas and asked whether Respondents' counsel would accept electronic service on behalf of Respondents. After Respondents' counsel did not respond to my March 6, 2024, email, I followed up a second time on March 8, 2024, to inquire regarding whether counsel would accept electronic service. Counsel did not respond. *See* Exhibit A at 1-2.

EEOC is engaged in diligent communications with the process server to ensure that paper copies of ECF Nos. 1 – 6 are served on Respondents consistent with the March 12, 2024, Order as soon as possible. EEOC will file proof of service on the docket as soon as it receives confirmation that service has been completed. However, as of this writing, paper service on Respondents' businesses has not been completed. Accordingly, EEOC respectfully requests a one-week extension of the Court's March 22, 2024, deadline to file certificates of service until March 29, 2024.

Respectfully submitted,

/s/ Cara B. Chomski

Cara B. Chomski

Trial Attorney

Attorney for Petitioner

U.S. Equal Employment Opportunity Commission

Exhibit A

CARA CHOMSKI

From: CARA CHOMSKI
Sent: Monday, March 11, 2024 2:27 PM
To: adil.yaqoob@akerman.com; jeffrey.kimmel@akerman.com
Cc: SEBASTIAN RICCARDI
Subject: RE: Eunice Flores-Thomas v. 59 Murrey Street Enterprises, Inc./ AAM Holding Charge Nos. 520-2023-01417 and 520-2023-01245
Attachments: 001 - Petition to Enforce Administrative Subpoenas.pdf; 002 - Micellaneous Case Cover Sheet.pdf; 004 - Nieto Declaration.pdf; 004 -3 - Nieto Decl. Ex. C - May 31, 2023 RFI.pdf; 004-1 - Nieto Decl. Ex. A - Charges.pdf; 004-2 - Nieto Decl. Ex. B - Position Statement.pdf; 004-4 - Nieto Decl. Ex. D - Aug. 8, 2023 RFI Response.pdf; 004-5 - Nieto Decl. Ex. E - Oct. 26, 2023 EEOC Letter.pdf; 004-6 - Nieto Decl. Ex. F - Nov. 15, 2023 Letter to EEOC.pdf; 004-7 - Nieto Decl. Ex. G - Subpoenas.pdf; 004-8 - Nieto Decl. Ex. H - Petition to Revoke.pdf; 004-9 - Nieto Decl. Ex. I - Determination.pdf; 004-10 - Nieto Decl. Ex. J - Email Correspondence with Michael Woo.pdf; 005 - Chomski Declaration.pdf; 005-1 - Chomski Decl. Ex. 1 - Email Correspondence.pdf; Waiver Form - EEOC v. AAM et al.pdf; Waiver of Service of Summons - AAM et al.pdf; 003 - MOL ISO Petition to Enforce.pdf

Jeff and Adil:

Attached here is EEOC's Petition to Enforce Administrative Subpoena Nos. NY-AY-24-004 and NY-A24-003 and accompanying materials. The attached documents were filed in the Southern District of New York on March 8, 2024. The case is docketed as 24-mc-00103.

Also attached here is a request to waive the service of summons and waive form. In order to avoid the unnecessary expense of serving a summons, we request that you return the attached waiver form on behalf of Respondents AAM Holding Corp. and 59 Murray Street Enterprises, Inc.

All the best,

Cara

From: CARA CHOMSKI
Sent: Friday, March 8, 2024 10:26 AM
To: adil.yaqoob@akerman.com; SEBASTIAN RICCARDI <SEBASTIAN.RICCARDI@EEOC.GOV>
Cc: jeffrey.kimmel@akerman.com
Subject: RE: Eunice Flores-Thomas v. 59 Murrey Street Enterprises, Inc./ AAM Holding Charge Nos. 520-2023-01417 and 520-2023-01245

Jeff and Adil:

I am emailing to follow up regarding the below. Will you accept electronic service of EEOC's Petition to Enforce Administrative Subpoenas on behalf of Respondents' AAM Holding Corp. and 59 Murrey Street Enterprises?

All the best,

Cara

From: CARA CHOMSKI
Sent: Wednesday, March 6, 2024 2:18 PM

To: adil.yaqoob@akerman.com; SEBASTIAN RICCARDI <SEBASTIAN.RICCARDI@EEOC.GOV>
Cc: jeffrey.kimmel@akerman.com

Subject: RE: Eunice Flores-Thomas v. 59 Murrey Street Enterprises, Inc./ AAM Holding Charge Nos. 520-2023-01417 and 520-2023-01245

Jeff and Adil:

I am preparing to file EEOC's petition to enforce Subpoena Nos. NY-A24-003 and NY-AY-24-004. Will you accept electronic service on behalf of Respondents?

All the best,

Cara

From: CARA CHOMSKI

Sent: Wednesday, February 28, 2024 12:01 PM

To: adil.yaqoob@akerman.com; SEBASTIAN RICCARDI <SEBASTIAN.RICCARDI@EEOC.GOV>

Cc: jeffrey.kimmel@akerman.com

Subject: RE: Eunice Flores-Thomas v. 59 Murrey Street Enterprises, Inc./ AAM Holding Charge Nos. 520-2023-01417 and 520-2023-01245

Jeff and Adil:

Thank you for yesterday's call. This email confirms that 59 Murray Street Enterprises, Inc./AAM Holding Corp. informed EEOC that it will not be producing the information subpoenaed in Subpoena Nos. NY-A24-003 and NY-AY-24-004.

All the best,

Cara

From: CARA CHOMSKI

Sent: Tuesday, February 27, 2024 11:15 AM

To: adil.yaqoob@akerman.com; SEBASTIAN RICCARDI <SEBASTIAN.RICCARDI@EEOC.GOV>

Cc: jeffrey.kimmel@akerman.com

Subject: RE: Eunice Flores-Thomas v. 59 Murrey Street Enterprises, Inc./ AAM Holding Charge Nos. 520-2023-01417 and 520-2023-01245

Adil:

Thank you for the update. I'll send a Teams invite shortly.

All the best,

Cara

From: adil.yaqoob@akerman.com <adil.yaqoob@akerman.com>

Sent: Tuesday, February 27, 2024 11:13 AM

To: CARA CHOMSKI <CARA.CHOMSKI@EEOC.GOV>; SEBASTIAN RICCARDI <SEBASTIAN.RICCARDI@EEOC.GOV>

Cc: jeffrey.kimmel@akerman.com

Subject: RE: Eunice Flores-Thomas v. 59 Murrey Street Enterprises, Inc./ AAM Holding Charge Nos. 520-2023-01417 and 520-2023-01245

Hi Cara,

Yes, we are available at 4 pm today.

Thank you,

Adil Yaqoob

Associate

Akerman LLP | 1251 Avenue of the Americas, 37th Floor | New York, NY 10020

D: 212 880 3888

Adil.Yaqoob@akerman.com

From: CARA CHOMSKI <CARA.CHOMSKI@EEOC.GOV>

Sent: Tuesday, February 27, 2024 11:12 AM

To: SEBASTIAN RICCARDI <SEBASTIAN.RICCARDI@EEOC.GOV>; Yaqoob, Adil (Assoc-NY) <adil.yaqoob@akerman.com>

Cc: Kimmel, Jeffrey (Ptnr-NY) <jeffrey.kimmel@akerman.com>

Subject: RE: Eunice Flores-Thomas v. 59 Murrey Street Enterprises, Inc./ AAM Holding Charge Nos. 520-2023-01417 and 520-2023-01245

[External to Akerman]

Mr. Yaqoob:

As my colleague noted, I am available to speak this afternoon about Respondent's compliance with EEOC's subpoenas. Are you available today at 4:00 p.m.?

All the best,

Cara

From: SEBASTIAN RICCARDI <SEBASTIAN.RICCARDI@EEOC.GOV>

Sent: Tuesday, February 27, 2024 11:07 AM

To: adil.yaqoob@akerman.com

Cc: jeffrey.kimmel@akerman.com; CARA CHOMSKI <CARA.CHOMSKI@EEOC.GOV>

Subject: RE: Eunice Flores-Thomas v. 59 Murrey Street Enterprises, Inc./ AAM Holding Charge Nos. 520-2023-01417 and 520-2023-01245

Mr. Yaqoob

My colleague Cara Chomski, who is cc'ed on this email, is available this afternoon. She will reach out to schedule a time to talk.

Thanks

Sebastian Riccardi

Senior Trial Attorney

U.S. Equal Employment Opportunity Commission

33 Whitehall St., 5th Floor

New York, NY 10004

(929) 506-5340

From: adil.yaqoob@akerman.com <adil.yaqoob@akerman.com>

Sent: Tuesday, February 27, 2024 10:10 AM

To: SEBASTIAN RICCARDI <SEBASTIAN.RICCARDI@EEOC.GOV>

Cc: jeffrey.kimmel@akerman.com

Subject: RE: Eunice Flores-Thomas v. 59 Murrey Street Enterprises, Inc./ AAM Holding Charge Nos. 520-2023-01417 and 520-2023-01245

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Mr. Riccardi,

Are you available for a phone call today at 3:30 or 4:00?

Thank you,

Adil Yaqoob

Associate

Akerman LLP | 1251 Avenue of the Americas, 37th Floor | New York, NY 10020

D: 212 880 3888

Adil.Yaqoob@akerman.com

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From: SEBASTIAN RICCARDI <SEBASTIAN.RICCARDI@EEOC.GOV>

Sent: Thursday, February 22, 2024 9:22 AM

To: Yaqoob, Adil (Assoc-NY) <adil.yaqoob@akerman.com>

Subject: Eunice Flores-Thomas v. 59 Murrey Street Enterprises, Inc./ AAM Holding Charge Nos. 520-2023-01417 and 520-2023-01245

[External to Akerman]

Mr. Yaqoob

The records in response to the subpoenas were due on February 16, 2024 and have not been received. I am the attorney who has been assigned these cases for subpoena enforcement. Please provide your availability to discuss this case. I would like to see if there is a way to avoid litigation here and I assume that your client does as well. Please let me know when you are free to talk.

Regards

Case 1:24-mc-00103-LGS Document 8 Filed 03/25/24 Page 8 of 12

Sebastian Riccardi
Senior Trial Attorney
U.S. Equal Employment Opportunity Commission
33 Whitehall St., 5th Floor
New York, NY 10004
(929) 506-5340

Exhibit B

From: jeffrey.kimmel@akerman.com
To: [CARA CHOMSKI](#)
Cc: adil.yaqoob@akerman.com
Subject: RE: EEOC v. AAM Holding Corp. et al. - FW: Activity in Case 1:24-mc-00103-LGS In Re: AAM Holding Corp. et al Order
Date: Wednesday, March 13, 2024 12:48:19 PM

Hi Cara,

This confirms that on March 11 the EEOC has requested that our clients waive service and we accept service of process and that the Court has ordered that the petition be served by March 22. Please be advised that, at this time, this firm is not authorized to accept service on behalf of the Respondents.

Thank you.

Jeffrey Kimmel

Partner

Co-Chair, Wage and Hour Practice

Akerman LLP | 1251 Avenue of the Americas, 37th Floor | New York, NY 10020

D: 212-259-6435 | C: 917-837-0121

jeffrey.kimmel@akerman.com

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From: CARA CHOMSKI <CARA.CHOMSKI@EEOC.GOV>

Sent: Wednesday, March 13, 2024 12:18 PM

To: Kimmel, Jeffrey (Ptnr-NY) <jeffrey.kimmel@akerman.com>; Yaqoob, Adil (Assoc-NY) <adil.yaqoob@akerman.com>

Subject: EEOC v. AAM Holding Corp. et al. - FW: Activity in Case 1:24-mc-00103-LGS In Re: AAM Holding Corp. et al Order

[External to Akerman]

Jeff and Adil:

The Court has ordered us to serve Respondents with papers in support of EEOC's application for subpoena enforcement no later than March 22, 2024. In order to avoid the unnecessary expense of physically serving papers pursuant to Fed. R. Civ. P. 4(d), please let me know if you will accept electronic service on behalf of Respondents.

All the best,

Cara

From: NYSD_ECF_Pool@nysd.uscourts.gov <NYSD_ECF_Pool@nysd.uscourts.gov>

Sent: Tuesday, March 12, 2024 4:19 PM

To: CourtMail@nysd.uscourts.gov

Subject: Activity in Case 1:24-mc-00103-LGS In Re: AAM Holding Corp. et al Order

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U.S. District Court

Southern District of New York

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Case Name: In Re: AAM Holding Corp. et al

Case Number: [1:24-mc-00103-LGS](#)

Filer:

Document Number: [6](#)

Docket Text:

ORDER: ORDERED that by March 22, 2024, the EEOC shall serve Respondents with (1) the papers in support of the application and (2) this Order, and shall file proof of service on the docket. It is further ORDERED that responsive papers, not to exceed fifteen (15) pages, are due by April 1, 2024. The EEOC may file a reply, not to exceed eight (8) pages, by April 8, 2024. All filings shall comply with the Court's Individual Rules. (Replies due by 4/8/2024. Responses due by 4/1/2024.) (Signed by Judge Lorna G. Schofield on 3/12/2024) (mml)

1:24-mc-00103-LGS Notice has been electronically mailed to:

Cara Brown Chomski cara.chomski@eoc.gov

1:24-mc-00103-LGS Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

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